

**Congress of the United States**  
**Washington, DC 20515**

**COSPONSOR THE**  
**THE HOMEBOUND CLARIFICATION ACT**  
**HR 1490**

Dear Colleague:

Today in order for Medicare beneficiaries to receive coverage for home health services they must be considered "homebound". While an individual is not actually required to be bedridden to qualify for the benefit, his or her condition must be such that "there exists a normal inability to leave the home and leaving the home must require "a considerable and taxing effort by the individual". The statute does allow for absences from the home that are of "infrequent" and of a "relatively short duration." Unfortunately, it is unclear exactly what this means leaving its interpretation subject to fiscal intermediaries. As a consequence, overzealous or arbitrary interpretation of the definition has turned elderly or disabled Medicare home health beneficiaries into virtual prisoners in their own homes.

The current homebound requirement is particularly hard on younger, disabled Medicare patients. For example, David Jayne a 40 year old man with Lou Gehrig's disease is confined to a wheelchair and cannot swallow, speak or even breathe on his own. Mr. Jayne needs several skilled nursing visits per week to enable him to remain independent and out of an inpatient facility. Despite his disability, Mr. Jayne meets frequently with youth and church groups. Speaking through a computerized voice synthesizer, he gives inspirational talks about how the human spirit can endure and overcome great hardship. Mr. Jayne's local speaker ran a feature article on Mr. Jayne and his activities, including a report about how he had, with the help of family and friends, attended a football game to root for the University of Georgia Bulldogs. A few days later, at the direction of the fiscal intermediary, his home health agency - which had been sending a home health care worker to his home for two hours, four mornings a week - notified him that he could not longer be considered homebound, and that his benefits were cut off. While his benefits were subsequently reinstated due to the media attention given the case, David Jayne's experience serves to illustrate the unfairness of the current homebound definition.

**The Homebound Clarification Act, HR 1490** would clarify the current definition of homebound. While a normal inability to leave home in order to receive Medicare home health coverage would still be required, absences from home would be allowed without loss of home health benefits. This bipartisan bill is endorsed by: the American Association of People with Disabilities; the Alzheimer's Association; the American Academy of Neurology; and the Visiting Nurse Associations of America among others. Companion legislation S. 2085 has been introduced by Senator Susan Collins (R-ME) and Senator Max Cleland (D-GA).

We urge you to become a co-sponsor of the **Homebound Clarification Act** which would provide significant relief to the most frail, elderly and disabled Medicare beneficiaries in our nation. To sign on to this bill please contact Mark Bayer with Mr. Markey's staff at 225-2836.

Sincerely,

/S ED MARKEY

/S CHRIS SMITH